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CENTER OF SOUTHERN NEVADA

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DANIEL SMALL, CAROLYN SMALL, WILLIAM
CURTIN, DAVID COHEN, LANETTE
LAWRENCE, and LOUISE COLLARD, Individually,
and on Behalf of All Other Persons Similarly Situated,

Plaintiffs,

vs.

UNIVERSITY MEDICAL CENTER OF SOUTHERN
NEVADA,

Defendant.

Case No.: 2:13-cv-00298-MMD-GWF

STIPULATED PROTECTIVE ORDER

In order to protect the confidentiality of confidential information obtained by the parties in connection with this case, the parties hereby agree as follows:

1. Any party or non-party may designate as "confidential" (by stamping the relevant page or other otherwise set forth herein) any document or response to discovery which that party or non-party considers in good faith to contain information involving trade secrets, confidential business or financial information, or private information subject to protection under the Federal Rules of Civil Procedure or Nevada law ("Confidential Information"). Where a document or response consists of more than one page, the first page and each page on which confidential information appears shall be so designated.

1 2. A party or non-party may designate information disclosed during a deposition or in
2 response to written discovery as "confidential" by so indicating in said response or on the record at the
3 deposition and requesting the preparation of a separate transcript of such material. Additionally a party
4 or non-party may designate in writing, within twenty (20) days after receipt of said responses or of the
5 deposition transcript for which the designation is proposed, that specific pages of the transcript and/or
6 specific responses be treated as "confidential" information. Any other party may object to such proposal,
7 in writing or on the record. Upon such objection, the parties shall follow the procedures described in
8 paragraph 8 below. After any designation made according to the procedure set forth in this paragraph,
9 the designated documents or information shall be treated according to the designation until the matter is
10 resolved according to the procedures described in paragraph 8 below, and counsel for all parties shall be
11 responsible for making all previously unmarked copies of the designated material in their possession or
12 control with the specified designation.

13 3. All information produced or exchanged in the course of this case (other than information
14 that is publicly available) shall be used by the party or parties to whom the information is produced
15 solely for the purpose of this case.

16 4. Except with the prior written consent of other parties, or upon prior order of this Court
17 obtained upon notice to opposing counsel, Confidential Information shall not be disclosed to any person
18 other than:

- 19 a. counsel for the respective parties to this litigation, including in-house counsel and
20 co-counsel retained for this litigation;
- 21 b. employees of such counsel;
- 22 c. individual defendants, class representatives, any officer or employee of a party, to
23 the extent deemed necessary by Counsel for the prosecution or defense of this
24 litigation;
- 25 d. consultants or expert witnesses retained for the prosecution or defense of this
26 litigation, provided that each such person shall execute a copy of the Certification
27 annexed to this Order as Exhibit "A" (which shall be retained by counsel to the
28 party so disclosing the Confidential Information and made available for inspection
by opposing counsel during the pendency or after the termination of the action

only upon good cause shown and upon order of the Court) before being shown or given any Confidential Information and provided that if the party chooses a consultant or expert employed by the University Medical Center of Southern Nevada or one of its competitors (as listed on Appendix A), the party shall notify the opposing party, or designating nonparty, before disclosing any Confidential Information to that individual and shall give the opposing party an opportunity to move for a protective order preventing or limiting such disclosure;

- e. any authors or recipients of the Confidential Information;
- f. the Court, Court personnel, and court reporters; and
- g. witnesses (other than persons described in paragraph 4(e)). A witness shall sign the Certification before being shown a confidential document. Confidential Information may be disclosed to a witness who will not sign the Certification only in a deposition at which the party who designated the Confidential Information is represented or has been given notice that Confidential Information shall be designated "Confidential" pursuant to paragraph 2 above. Witnesses shown Confidential Information shall not be allowed to retain copies.

5. Any persons receiving Confidential Information shall not reveal or discuss such information to or with any person who is not entitled to receive such information, except as set forth herein.

6. Unless otherwise permitted by statute, rule or prior court order, papers filed with the court under seal shall be accompanied by a contemporaneous motion for leave to file those documents under seal, and shall be filed consistent with the court's electronic filing procedures in accordance with Local Rule 10-5(b). Notwithstanding any agreement among the parties, the party seeking to file a paper under seal bears the burden of overcoming the presumption in favor of public access to papers filed in court. *Kamakana v. City and County of Honolulu*, 447 F.2d 1172 (9th Cir. 2006).

7. A party may designate as "Confidential" documents or discovery materials produced by a non-party by providing written notice to all parties of the relevant document numbers or other identification within thirty (30) days after receiving such documents or discovery materials. Any party or non-party may voluntarily disclose to others without restriction any information designated by that party

13. Any witness or other person, firm or entity from which discovery is sought may be informed of and may obtain the protection of this Order by written advice to the parties' respective counsel or by oral advice at the time of any deposition or similar proceeding.

DATED this 27th day of February, 2013.

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Co-Counsel to Plaintiffs

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IT IS SO ORDERED.


GEORGE FOLEY, JR.
United States Magistrate Judge
DATED: February 28, 2013

CERTIFICATION

I hereby certify my understanding that Confidential Information is being provided to me pursuant to the terms and restrictions of the Protective Order dated _____, 2013 in *Small, et al. v. University Medical Center of Southern Nevada*, United States District Court Case No. 2:13-cv-298-MMD-GWF. I have been given a copy of the Order and have read it. I agree to be bound by the Order. I will not reveal the Confidential Information to anyone, except as allowed by the Order. I will maintain all such Confidential Information – including copies, notes, or other transcriptions made therefrom – in a secure manner to prevent unauthorized access to it. No later than thirty (30) days after the conclusion of this action, I will return the Confidential Information – including copies, notes or other transcriptions made therefrom – to the counsel who provided me with the Confidential Information. I hereby consent to the jurisdiction of the United States District Court for the purpose of enforcing the Protective Order.

DATED this _____ day of _____, 2013.